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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 **MARTHA MORITZ,**) Case No.
11)
12 Plaintiff,) **COMPLAINT**
13)
14 vs.)
15)
16 **DANIEL N. GORDON, P.C. AND**)
17 **DANIEL N. GORDON,**)
18)
19 Defendants.)
20 _____)

21 **NATURE OF ACTION**

22 1. This is an action brought under the federal Fair Debt Collection
23 Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, the Washington Collection
24 Agency Act ("WCAA"), Chapter 19.16, RCW, and the Washington Consumer
25 Protection Act ("WCPA"), Chapter 19.86, RCW.

26 **JURISDICTION AND VENUE**

27 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 28 U.S.C. §
28 1331, and 28 U.S.C. § 1367.

1 10. Gordon materially participated and was personally involved in the
2 collection of Plaintiff's debt, including filing a lawsuit in effort to collect the
3 same.
4

5 11. Gordon and DNG (collectively, "Defendants") are "debt collectors"
6 as defined by 15 U.S.C. § 1692a(6).
7

8 12. Defendants' attempts to collect the subject debt from Plaintiff were
9 not confined and directly related to the operation of a business other than that of a
10 collection agency.
11

12 13. DNG is directly engaged in collecting or attempting to collect claims
13 owed or due or asserted to be owed or due another person, and is a "collection
14 agency" as defined by RCW § 19.16.110(2).
15

16 **FACTUAL ALLEGATIONS**
17

18 14. Plaintiff is a natural person obligated, or allegedly obligated, to pay a
19 debt owed or due, or asserted to be owed or due a creditor other than Defendants.
20

21 15. Plaintiff's obligation, or alleged obligation, owed or due, or asserted
22 to be owed or due a creditor other than Defendants, arises from a transaction in
23 which the money, property, insurance, or services that are the subject of the
24 transaction were incurred primarily for personal, family, or household purposes.
25 Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to
26 be owed or due a creditor other than Defendants.
27
28

1 16. Defendants use instrumentalities of interstate commerce or the mails
2 in a business the principal purpose of which is the collection of any debts, and/or
3 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
4 or asserted to be owed or due another.
5

6 17. On or about July 1, 2010, an agent and/or employee of Defendants
7 initiated communication with Plaintiff's employer, Talasaea Consultants, Inc.,
8 and spoke with Plaintiff's co-worker, Barb Batt.
9

10 18. During this phone call, Defendants' agent and/or employee did not
11 identify herself, and in fact refused to do so upon Ms. Batt's repeated request.
12

13 19. During this phone call, Defendants' agent and/or employee stated
14 she was calling from the Law Office of Daniel N. Gordon, located in Eugene,
15 Oregon.
16

17 20. During this phone call, Defendants' agent and/or employee stated
18 that Plaintiff owes a debt and that there may be a garnishment of Plaintiff's wages
19 for the amount of \$3,979.12, but that Defendants did not have a court order for
20 the same.
21

22 21. Prior to Defendants' July 1, 2010 communication with Plaintiff's
23 Ms. Batt, Defendants had communicated with Plaintiff directly, and at such time
24 Plaintiff had stated she would provide pay stubs to confirm her employment, and
25 demanded Defendants not contact Plaintiff's employer.
26
27
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22. Within one year preceding the date of this complaint, Defendants, via their agent and/or employee “Tasha Pierce,” in connection with the collection of a debt, placed multiple telephone calls to, and left voice messages on, Plaintiff’s cellular telephone.

23. In each such instance, Defendants’ agent and/or employee left a voice message substantially identical to the following: “This is Tasha Pierce from Attorney Daniel Gordon’s office. I need a call back at 1-800-xxx-xxxx.”

24. Defendants did not disclose in any such voice message that the message was from a debt collector, nor did they otherwise disclose any information related to the nature or purpose of the call.

25. DNG and Gordon, on behalf of a third-party creditor, filed a lawsuit in a Washington State court against Plaintiff in effort to collect a debt.

26. DNG is not licensed as a collection agency pursuant to RCW § 19.16.100 *et seq.*

COUNT I
VIOLATION OF 15 U.S.C. § 1692b(1)
DEFENDANT GORDON

27. Plaintiff repeats and re-alleges each and every allegation contained above.

28. 15 U.S.C. § 1692b(1) provides:

Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall—

(1) identify himself, state that he is confirming or correcting location information concerning the consumer, and, only if expressly requested, identify his employer.

15 U.S.C. § 1692b(1).

29. Gordon violated 15 U.S.C. § 1692b(1) when his agent and/or employee called and spoke with Barb Batt on July 1, 2010 and failed to identify herself.

30. Gordon further violated 15 U.S.C. § 1692b(1) when during this same phone call his agent and/or employee identified her employer, DNG, without being expressly requested.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Gordon violated 15 U.S.C. § 1692b(1);
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. § 1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;

f) Awarding such other and further relief as the Court may deem just and proper.

COUNT II
VIOLATION OF 15 U.S.C. § 1692b(2)
DEFENDANT GORDON

31. Plaintiff repeats and re-alleges each and every allegation contained above.

32. 15 U.S.C. § 1692b(2) provides:

Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer shall—

* * *

(2) not state that such consumer owes any debt.

15 U.S.C. § 1692b(2).

33. Gordon violated 15 U.S.C. § 1692b(2) when his agent and/or employee called and spoke with Barb Batt on July 1, 2010 and stated that Plaintiff owes a debt and that her wages may be garnished.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Gordon violated 15 U.S.C. § 1692b(2);
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. § 1692k, in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;

- 1 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
2 this action;
3
4 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
5 may be allowed under the law;
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7 f) Awarding such other and further relief as the Court may deem just
8 and proper.

9
10 **COUNT III**
VIOLATION OF 15 U.S.C. § 1692c(b)
11 **DEFENDANT GORDON**

12 34. Plaintiff repeats and re-alleges each and every allegation contained
13 above.
14

15 35. 15 U.S.C. § 1692c(b) provides:

16 Except as provided in section 1692b of this title, without the
17 prior consent of the consumer given directly to the debt
18 collector, or the express permission of a court of competent
19 jurisdiction, or as reasonably necessary to effectuate a
20 postjudgment judicial remedy, a debt collector may not
21 communicate, in connection with the collection of any debt,
22 with any person other than the consumer, his attorney, a
23 consumer reporting agency if otherwise permitted by law, the
24 creditor, the attorney of the creditor, or the attorney of the debt
25 collector.

26 15 U.S.C. § 1692c(b).

27 36. Gordon violated 15 U.S.C. § 1692c(b) when his agent and/or
28 employee contacted Barb Batt in connection with the collection of Plaintiff's debt

1 on July 1, 2010, without Plaintiff's consent, and without the express permission
2 of a court of competent jurisdiction, and because it was not reasonably necessary
3 to effectuate a postjudgment judicial remedy.
4

5 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 6 a) Adjudging that Gordon violated 15 U.S.C. § 1692c(b);
7
8 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
9 1692k, in the amount of \$1,000.00;
10
11 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
12
13 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
14 this action;
15
16 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
17 may be allowed under the law;
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19 f) Awarding such other and further relief as the Court may deem just
20 and proper.

21 **COUNT IV**
22 **VIOLATION OF 15 U.S.C. § 1692d(6)**
23 **DEFENDANT GORDON**

24 37. Plaintiff repeats and re-alleges each and every allegation contained
25 above.

26 38. 15 U.S.C. § 1692d(6) provides:

27 A debt collector may not engage in any conduct the natural
28

1 consequence of which is to harass, oppress, or abuse any
2 person in connection with the collection of a debt. Without
3 limiting the general application of the foregoing, the following
conduct is a violation of this section:

4 * * *

5
6 (6) Except as provided in section 1692b of this title, the
7 placement of telephone calls without meaningful disclosure of
the caller's identity.

8
9 15 U.S.C. § 1692d(6).

10 39. Gordon violated 15 U.S.C. § 1692d(6) when his agent and/or
11 employee placed telephone calls and left voice messages with Plaintiff in
12 connection with the collection of a debt without meaningfully disclosing the
13 caller's identity, including by failing to disclose the nature of DNG's business and
14 the purpose of the call.
15

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17 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 18 a) Adjudging that Gordon violated 15 U.S.C. § 1692d(6);
19
20 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
21 1692k, in the amount of \$1,000.00;
22
23 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
24
25 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
26 this action;
27
28 e) Awarding Plaintiff any pre-judgment and post-judgment interest as

1 may be allowed under the law;

2 f) Awarding such other and further relief as the Court may deem just
3 and proper.
4

5 **COUNT V**
6 **VIOLATION OF 15 U.S.C. § 1692e(11)**
7 **DEFENDANT GORDON**

8 40. Plaintiff repeats and re-alleges each and every allegation contained
9 above.

10 41. 15 U.S.C. § 1692e(11) provides:
11

12 A debt collector may not use any false, deceptive, or
13 misleading representation or means in connection with the
14 collection of any debt. Without limiting the general
15 application of the foregoing, the following conduct is a
violation of this section:

16 * * *

17
18 (11) The failure to disclose in the initial written
19 communication with the consumer and, in addition, if the
20 initial communication with the consumer is oral, in that initial
21 oral communication, that the debt collector is attempting to
22 collect a debt and that any information obtained will be used
23 for that purpose, and **the failure to disclose in subsequent**
24 **communications that the communication is from a debt**
25 **collector**, except that this paragraph shall not apply to a
26 formal pleading made in connection with a legal action.

27 15 U.S.C. § 1692e(11) (emphasis added).
28

42. Gordon violated 15 U.S.C. § 1692e(11) when his agent and/or
employee placed telephone calls and left voice messages with Plaintiff in

1 connection with the collection of a debt without disclosing that the
2 communication is from a debt collector.

3 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
4

- 5 a) Adjudging that Gordon violated 15 U.S.C. § 1692e(11);
6
7 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
8 1692k, in the amount of \$1,000.00;
9
10 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
11
12 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
13 this action;
14
15 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
16 may be allowed under the law;
17
18 f) Awarding such other and further relief as the Court may deem just
19 and proper.

20 **COUNT VI**
21 **VIOLATION OF 15 U.S.C. § 1692f**
22 **DEFENDANT GORDON**

23 43. Plaintiff repeats and re-alleges each and every allegation contained
24 above.

25 44. 15 U.S.C. § 1692f provides, in relevant part:

26 A debt collector may not use unfair or unconscionable means
27 to collect or attempt to collect any debt.
28

1 15 U.S.C. § 1692f.

2 45. Gordon violated 15 U.S.C. § 1692f by using unfair or
3 unconscionable means to collect or attempt to collect a debt from Plaintiff,
4 including by collecting and attempting to collect Plaintiff's debt without being
5 duly licensed pursuant to Washington law, thus avoiding review by state
6 authorities.
7
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9 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 10 a) Adjudging that Gordon violated 15 U.S.C. § 1692f;
11
12 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
13 1692k, in the amount of \$1,000.00;
14
15 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
16
17 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
18 this action;
19
20 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
21 may be allowed under the law;
22
23 f) Awarding such other and further relief as the Court may deem just
24 and proper.

25 **COUNT VII**
26 **VIOLATION OF 15 U.S.C. § 1692b(1)**
27 **DEFENDANT DNG**

28 46. Plaintiff repeats and re-alleges each and every allegation contained

1 above.

2 47. 15 U.S.C. § 1692b(1) provides:

3 Any debt collector communicating with any person other than
4 the consumer for the purpose of acquiring location
5 information about the consumer shall—

6 (1) identify himself, state that he is confirming or correcting
7 location information concerning the consumer, and, only if
8 expressly requested, identify his employer.

9 15 U.S.C. § 1692b(1).

10 48. DNG violated 15 U.S.C. § 1692b(1) when its agent and/or employee
11 called and spoke with Barb Batt on July 1, 2010 and failed to identify herself.

12 49. DNG further violated 15 U.S.C. § 1692b(1) when during this same
13 phone call its agent and/or employee identified her employer, DNG, without
14 being expressly requested.
15
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17 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
18

19 a) Adjudging that DNG violated 15 U.S.C. § 1692b(1);

20 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
21 1692k, in the amount of \$1,000.00;

22 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;

23 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
24 this action;

25 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
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1 may be allowed under the law;

2 f) Awarding such other and further relief as the Court may deem just
3 and proper.
4

5 **COUNT VIII**
6 **VIOLATION OF 15 U.S.C. § 1692b(2)**
7 **DEFENDANT DNG**

8 50. Plaintiff repeats and re-alleges each and every allegation contained
9 above.

10 51. 15 U.S.C. § 1692b(2) provides:

11
12 Any debt collector communicating with any person other than
13 the consumer for the purpose of acquiring location
14 information about the consumer shall—

15 * * *

16 (2) not state that such consumer owes any debt.

17
18 15 U.S.C. § 1692b(2).

19 52. DNG violated 15 U.S.C. § 1692b(2) when its agent and/or employee
20 called and spoke with Barb Batt on July 1, 2010 and stated that Plaintiff owes a
21 debt and that her wages may be garnished.
22

23 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

24 a) Adjudging that DNG violated 15 U.S.C. § 1692b(2);

25 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
26 1692k, in the amount of \$1,000.00;
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- 1 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
- 2 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
- 3 this action;
- 4
- 5 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
- 6 may be allowed under the law;
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- 8 f) Awarding such other and further relief as the Court may deem just
- 9 and proper.

10 **COUNT IX**

11 **VIOLATION OF 15 U.S.C. § 1692c(b)**

12 **DEFENDANT DNG**

13 53. Plaintiff repeats and re-alleges each and every allegation contained

14 above.

15

16 54. 15 U.S.C. § 1692c(b) provides:

17

18 Except as provided in section 1692b of this title, without the

19 prior consent of the consumer given directly to the debt

20 collector, or the express permission of a court of competent

21 jurisdiction, or as reasonably necessary to effectuate a

22 postjudgment judicial remedy, a debt collector may not

23 communicate, in connection with the collection of any debt,

24 with any person other than the consumer, his attorney, a

25 consumer reporting agency if otherwise permitted by law, the

26 creditor, the attorney of the creditor, or the attorney of the debt

27 collector.

28 15 U.S.C. § 1692c(b).

55. DNG violated 15 U.S.C. § 1692c(b) when it contacted Barb Batt in

1 connection with the collection of Plaintiff's debt on July 1, 2010, without
2 Plaintiff's consent, and without the express permission of a court of competent
3 jurisdiction, and because it was not reasonably necessary to effectuate a
4 postjudgment judicial remedy.
5

6 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
7

- 8 a) Adjudging that DNG violated 15 U.S.C. § 1692c(b);
- 9 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
10 1692k, in the amount of \$1,000.00;
- 11 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
- 12 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
13 this action;
- 14 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
15 may be allowed under the law;
- 16 f) Awarding such other and further relief as the Court may deem just
17 and proper.
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22 **COUNT X**
23 **VIOLATION OF 15 U.S.C. § 1692d(6)**
24 **DEFENDANT DNG**

25 56. Plaintiff repeats and re-alleges each and every allegation contained
26 above.

27 57. 15 U.S.C. § 1692d(6) provides:
28

1 A debt collector may not engage in any conduct the natural
2 consequence of which is to harass, oppress, or abuse any
3 person in connection with the collection of a debt. Without
4 limiting the general application of the foregoing, the following
conduct is a violation of this section:

5 * * *

6 (6) Except as provided in section 1692b of this title, the
7 placement of telephone calls without meaningful disclosure of
8 the caller's identity.

9 15 U.S.C. § 1692d(6).

10 58. DNG violated 15 U.S.C. § 1692d(6) when it placed telephone calls
11 and left voice messages with Plaintiff in connection with the collection of a debt
12 without meaningfully disclosing its identity, including by failing to disclose the
13 nature of DNG's business and the purpose of the call.
14
15

16 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 17 a) Adjudging that DNG violated 15 U.S.C. § 1692d(6);
18
19 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
20 1692k, in the amount of \$1,000.00;
21
22 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
23
24 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
25 this action;
26
27 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
28 may be allowed under the law;

f) Awarding such other and further relief as the Court may deem just and proper.

COUNT XI
VIOLATION OF 15 U.S.C. § 1692e(11)
DEFENDANT DNG

59. Plaintiff repeats and re-alleges each and every allegation contained above.

60. 15 U.S.C. § 1692e(11) provides:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

* * *

(11) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and **the failure to disclose in subsequent communications that the communication is from a debt collector**, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.

15 U.S.C. § 1692e(11) (emphasis added).

61. DNG violated 15 U.S.C. § 1692e(11) when it placed telephone calls and left voice messages with Plaintiff in connection with the collection of a debt without disclosing that the communication is from a debt collector.

1 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 2 a) Adjudging that DNG violated 15 U.S.C. § 1692e(11);
- 3 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
- 4 1692k, in the amount of \$1,000.00;
- 5 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
- 6 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
- 7 this action;
- 8 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
- 9 may be allowed under the law;
- 10 f) Awarding such other and further relief as the Court may deem just
- 11 and proper.
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16 **COUNT XII**

17 **VIOLATION OF 15 U.S.C. § 1692f**

18 **DEFENDANT DNG**

19 62. Plaintiff repeats and re-alleges each and every allegation contained

20 above.

21

22 63. 15 U.S.C. § 1692f provides, in relevant part:

23 A debt collector may not use unfair or unconscionable means

24 to collect or attempt to collect any debt.

25 15 U.S.C. § 1692f.

26

27 64. DNG violated 15 U.S.C. § 1692f when it used unfair or

28

1 unconscionable means to collect or attempt to collect a debt from Plaintiff,
2 including by collecting and attempting to collect Plaintiff's debt without being
3 duly licensed pursuant to Washington law, thus avoiding review by state
4 authorities.
5

6 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
7

- 8 a) Adjudging that DNG violated 15 U.S.C. § 1692f;
9
10 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §
11 1692k, in the amount of \$1,000.00;
12
13 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. § 1692k;
14
15 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
16 this action;
17
18 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
19 may be allowed under the law;
20
21 f) Awarding such other and further relief as the Court may deem just
22 and proper.

23 **COUNT XIII**
24 **VIOLATION OF RCW § 19.16.110**
25 **DEFENDANT DNG**

26 91. Plaintiff repeats and re-alleges each and every allegation contained
27 above.

28 92. RCW § 19.16.110 provides:

1 No person shall act, assume to act, or advertise as a collection
2 agency or out-of-state collection agency as defined in this
3 chapter, except as authorized by this chapter, without first
4 having applied for and obtained a license from the director.

5 RCW § 19.16.110.

6 93. DNG violated RCW § 19.16.110 by acting and advertising as a
7 collection agency without first having applied for and obtained a license.

8 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
9

- 10 a) Adjudging that DNG violated RCW § 19.16.110;
- 11 b) Ordering DNG to return all money collected on Plaintiff's account
12 while operating without a license to Plaintiff, pursuant to RCW §
13 19.16.430(b);
- 14 c) Awarding Plaintiff actual damages pursuant to Chapter 19.16, RCW;
- 15 d) Awarding Plaintiff discretionary treble damages;
- 16 e) For injunctive relief in the form of an Order requiring DNG to cease
17 collection activity in the State of Washington until DNG obtains a
18 collection agency license and posts the bond required by Chapter
19 19.16, RCW;
- 20 f) Awarding Plaintiff her reasonable attorneys' fees and costs incurred
21 in this action;
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1 g) Awarding Plaintiff any pre-judgment and post-judgment interest as
2 may be allowed under the law; and

3 h) Awarding such other and further relief as the Court may deem just
4 and proper.
5

6 **COUNT XIV**
7 **VIOLATION OF RCW § 19.16.260**
8 **DEFENDANT DNG**

9 94. Plaintiff repeats and re-alleges each and every allegation contained
10 above.
11

12 95. RCW § 19.16.260 provides, in relevant part:

13 No collection agency or out-of-state collection agency may
14 bring or maintain an action in any court of this state involving
15 the collection of a claim of any third party without alleging
16 and proving that he or it is duly licensed under this chapter.

17 RCW § 19.16.260.

18 96. DNG violated RCW § 19.16.260 by bringing and maintaining an
19 action in a Washington State court to collect a debt on behalf of a third-party
20 creditor without alleging and proving that it is duly licensed.
21

22 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
23

24 a) Adjudging that DNG violated RCW § 19.16.260;
25
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- b) Ordering DNG to return all money collected on Plaintiff's account while operating without a license to Plaintiff, pursuant to RCW § 19.16.430(b);
- c) Awarding Plaintiff actual damages pursuant to Chapter 19.16, RCW;
- d) Awarding Plaintiff discretionary treble damages;
- e) For injunctive relief in the form of an Order requiring DNG to cease collection activity in the State of Washington until DNG obtains a collection agency license and posts the bond required by Chapter 19.16, RCW;
- f) Awarding Plaintiff her reasonable attorneys' fees and costs incurred in this action;
- g) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law; and
- h) Awarding such other and further relief as the Court may deem just and proper.

COUNT XV
VIOLATION OF RCW § 19.86.020
DEFENDANT DNG

97. Plaintiff repeats and re-alleges each and every allegation contained above.

98. The Washington Collection Agency Act provides:

The operation of a collection agency or out-of-state collection agency without a license as prohibited by RCW 19.16.110 and the commission by a licensee or an employee of a licensee of an act or practice prohibited by RCW 19.16.250 are declared to be unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act found in chapter 19.86 RCW.

RCW § 19.16.440.

99. DNG's violations of the licensing provisions included in the WCAA, RCW § 19.16.110 and RCW § 19.16.260, as detailed above, constitute *per se* violations of the Consumer Protection Act.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that DNG violated RCW § 19.86.020;
- b) Awarding Plaintiff actual damages pursuant to Chapter 19.86, RCW;
- c) Awarding Plaintiff discretionary treble damages pursuant to RCW § 19.86.090;
- d) For injunctive relief in the form of an Order requiring DNG to cease collection activity in the State of Washington until Defendant obtains a collection agency license and posts the bond required by Chapter 19.16, RCW;

- 1 e) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
2 this action;
3
4 f) Awarding Plaintiff any pre-judgment and post-judgment interest as
5 may be allowed under the law; and
6
7 g) Awarding such other and further relief as the Court may deem just
8 and proper.

9 **TRIAL BY JURY**

10
11 Plaintiff is entitled to and hereby demands a trial by jury.

12
13 Respectfully submitted this 17th day of June, 2011.

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15
16 s/Jon N. Robbins
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